
SENATE BILL 6497

State of Washington

65th Legislature

2018 Regular Session

By Senators Becker, Darneille, Fain, and Brown

1 AN ACT Relating to the use of independent contractors to address
2 delays in providing forensic competency evaluations; and amending RCW
3 10.77.073.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 10.77.073 and 2015 1st sp.s. c 7 s 7 are each
6 amended to read as follows:

7 (1) The department shall reimburse a county for the cost of
8 appointing a qualified expert or professional person under RCW
9 10.77.060(1)(a) subject to subsections (2) through ~~((+4))~~ (5) of
10 this section ~~((if, at the time of a referral for an evaluation of
11 competency to stand trial in a jail for an in-custody defendant, the
12 department: (a) During the most recent quarter, did not perform at
13 least one-third of the number of jail-based competency evaluations
14 for in-custody defendants as were performed by qualified experts or
15 professional persons appointed by the court in the referring county;
16 or (b) did not meet the performance target for timely completion of
17 competency evaluations under RCW 10.77.068(1)(a)(iii) during the most
18 recent quarter in fifty percent of cases submitted by the referring
19 county, as documented in the most recent quarterly report under RCW
20 10.77.068(3) or confirmed by records maintained by the department)).~~

1 (2) Within existing appropriations, the department shall conduct
2 a survey of all professional persons available to conduct competency
3 evaluations in each county and shall provide a continuously updated
4 contact information list for use by the prosecuting attorney and
5 defense bar of each county in accordance with subsection (3) of this
6 section.

7 (3) Appointment of a qualified expert or professional person
8 under this section must be from a list of qualified experts or
9 professional persons assembled with participation by representatives
10 of the prosecuting attorney and the defense bar of the county. The
11 qualified expert or professional person shall complete an evaluation
12 and report that includes the components specified in RCW
13 10.77.060(3).

14 ~~((+3))~~ (4) The county shall provide a copy of the evaluation
15 report to the applicable state hospital upon referral of the
16 defendant for admission to the state hospital. The county shall:

17 (a) In consultation with the department, develop and maintain
18 critical data elements, including data on the timeliness of
19 competency evaluations completed under this section; and

20 (b) Share this data with the department upon the department's
21 request.

22 ~~((+4))~~ (5) A qualified expert or professional person appointed
23 by a court under this section must be compensated for competency
24 evaluations in an amount that will encourage in-depth evaluation
25 reports and ensure adherence with ethical standards and competency
26 evaluation best practices. ~~((Subject to the availability of amounts~~
27 ~~appropriated for this specific purpose,)) The department shall
28 reimburse the county in an amount determined by the department to be
29 fair and reasonable with the county paying any excess costs. The
30 amount of reimbursement established by the department must at least
31 meet and may exceed the equivalent amount for evaluations conducted
32 by the department.~~

33 ~~((+5))~~ (6) Nothing in this section precludes either party from
34 objecting to the appointment of an evaluator on the basis that an
35 inpatient evaluation is appropriate under RCW 10.77.060(1)(d).

36 ~~((+6))~~ (7) This section expires June 30, 2019.

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